

ZB# 03-20

William Farrell

78-6-13

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

APPROVED

6/23/03

— 03-20 WILLIAM FARRELL — ZBA
(AREA) 301 BUTTERNUT DR — 78-6-13

APPLICATION FEE (DUE AT TIME OF FILLING OF APPLICATION)

FILE # 03-20 TYPE: AREA ✓ USE _____

APPLICANT: William J. Farrell

301 Buttrick Dr.

New Windsor, NY

TELE: 565-2008

RESIDENTIAL: \$ 50.00 CHECK # 836

COMMERCIAL: \$150.00 CHECK # _____

INTERPRETATION: \$150.00 CHECK # _____

ESCROW: ^{300.00}
~~\$500.00~~ CHECK # 835

DISBURSEMENTS:

	MINUTES \$4.50 PER PAGE	ATTORNEY FEES \$35.00 / MEETING
PRELIM..... <u>3/12</u>	\$ <u>13.50</u>	\$ <u>35.00</u>
2 ND PRELIM.....	_____	_____
3 RD PRELIM.....	_____	_____
PUB HEARING... <u>6/23</u>	<u>18.00</u>	<u>35.00</u>
PUB HEARING (CON'T)...	_____	_____
TOTAL	\$ <u>31.50</u>	\$ <u>70.00</u>

OTHER CHARGES:..... \$ _____

• • • • •

ESCROW POSTED: \$ _____

AMOUNT DUE: \$ _____

REFUND DUE: \$ 198.50

8/11/03
L.R.

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 78-6-13

-----X
In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

WILLIAM J. FARRELL

AREA

CASE #03-20
-----X

WHEREAS, William J. Farrell, owners of 301 Butternut Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 2 ft. Side Yard for proposed pool deck; 5 ft. Front Yard for above-ground pool located in required front yard on a corner lot; Existing 6' fence projects between the house and road on a corner lot; and

WHEREAS, a public hearing was held on the 23rd of June 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) This property is a single family home located in a neighborhood of single family homes.
 - (b) The property is located on the corner of two intersecting roads, although, it appears, visually, to have only one front yard.

- (c) The applicant seeks a variance to construct a six foot fence around the proposed pool to enhance the safety of the pool.
- (d) The pool, if the variances are granted, will not infringe on any easements.
- (e) The deck is similar in size and nature to other decks in the neighborhood.
- (f) The pool cannot be placed on another part of the property in between the house and Butternut Drive because so placing it would be visually unattractive and unsafe.
- (g) The fence, if permitted, will not block the view of motorists on the adjacent roadway or create any traffic hazards.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variances.

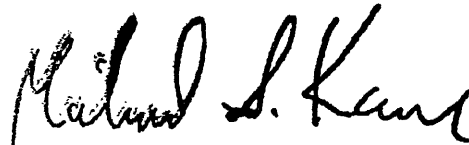
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 2 ft. Side Yard for proposed pool deck; 5 ft. Front Yard for above-ground pool located in required front yard on a corner lot; Existing 6' fence projects between the house and road on a corner lot as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 18, 2003

A handwritten signature in black ink, appearing to read "Richard S. Kuntz", is written over a horizontal line.

Chairman

1 of 3

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: March 25, 2003

**APPLICANT: William J. Farrell
301 Butternut Dr.
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: March 21, 2003

FOR : Attached House and Pool Deck

LOCATED AT: 301 Butternut Drive


ZONE: CL Sec/Blk/ Lot: 78-6-13

DESCRIPTION OF EXISTING SITE: SBL 78-6-13

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-12 Use/Bulk Table C1 Zone

1. Proposed pool deck will be 10' from side property line. CL Zone Column F requires 12' from side property line. CL Zone Column F requires 12' from side property line. A variance of 2' is required.

COPY


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: CL **Attached**
USE: **Pool Deck**

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD: **12'** **10'** **2'**

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

APPROVED

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

03-20

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.

RECEIVED

MAR 21 2003

BUILDING DEPARTMENT

6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final plumbing inspection. Sewer to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2003-228

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises WILLIAM J. & LINDA M. FARRELL

Address 301 BUTTERNUT DRIVE Phone # 845-525-2008
NEW WINDSOR, NY 12553

Mailing Address _____ Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor WILLIAM J. FARRELL

Address

(SELF) INSURANCE COY ATTACHED

Phone

616-252-8042

State whether applicant is owner, lessee, agent, architect, engineer or builder

OWNER

If applicant is a corporation, signature of duly authorized officer

(Name and title of corporate officer)

- On what street is property located? On the NORTH EAST side of BUTTERNUT DRIVE
(N, S, E or W)
and GUENEBY DRIVE feet from the intersection of BUTTERNUT DRIVE
(SEE ATTACHED) GUENEBY DRIVE
- Zone or use district in which premises are situated CL 48-14-C-1-C-6 Is property a flood zone? Y N ✓
- Tax Map Description: Section 78 Block C Lot 13
- State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 - Existing use and occupancy DECK ADDED TO PORCH Intended use and occupancy _____
- Nature of work (check if applicable) ☐ New Bldg. ☒ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
- Is this a corner lot? YES
- Dimensions of entire new construction. Front _____ Rear 12' Depth 14' Height (4.5' x 4') No. of stories _____
- If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
- If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost

\$ 1,000

Fee

\$ 50

ZONING BOARD

OK # 824

PAID

3121103

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Kryshar
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

(Owner's Signature)

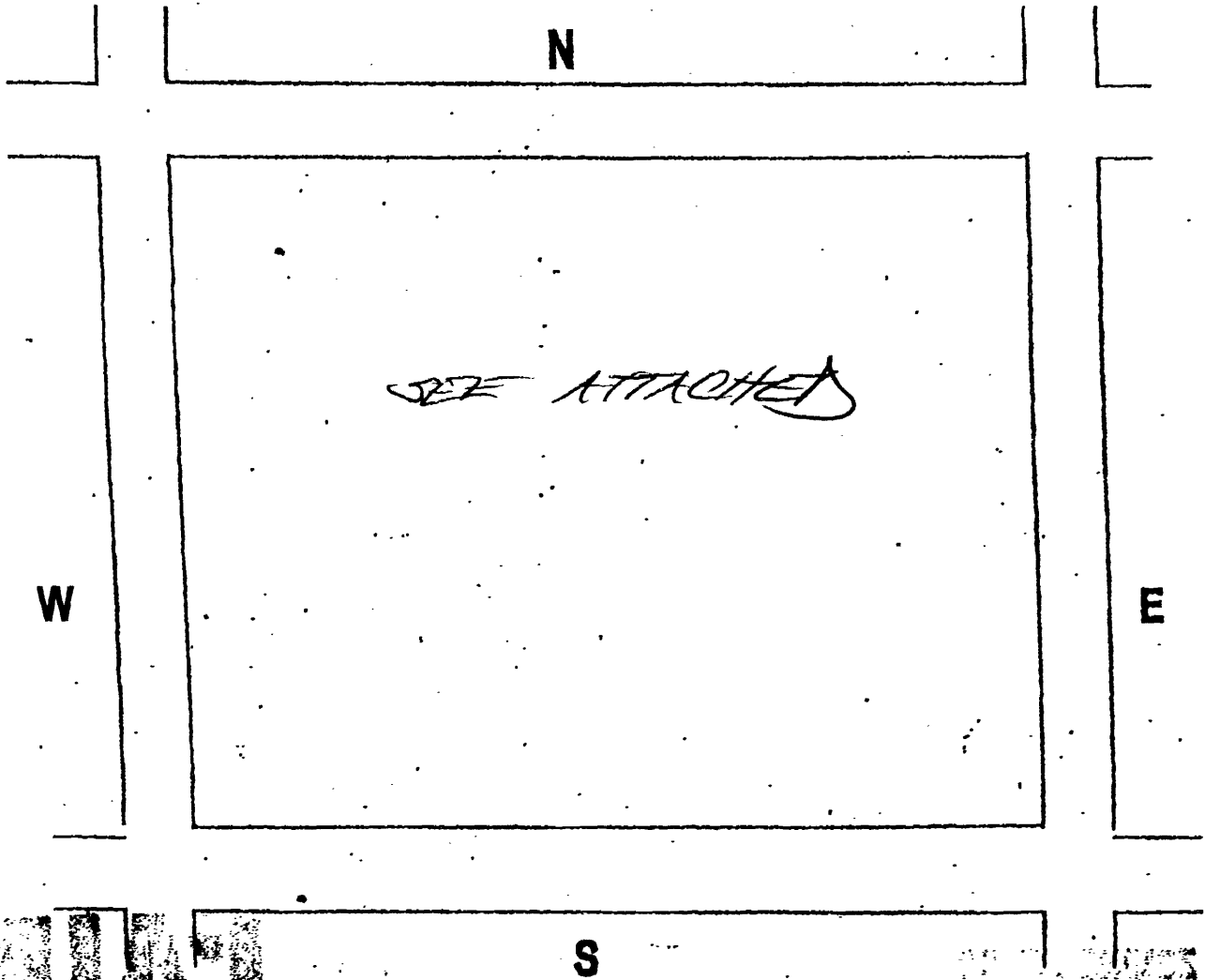
(Owner's Address)

301 BUTTERNUT DRIVE

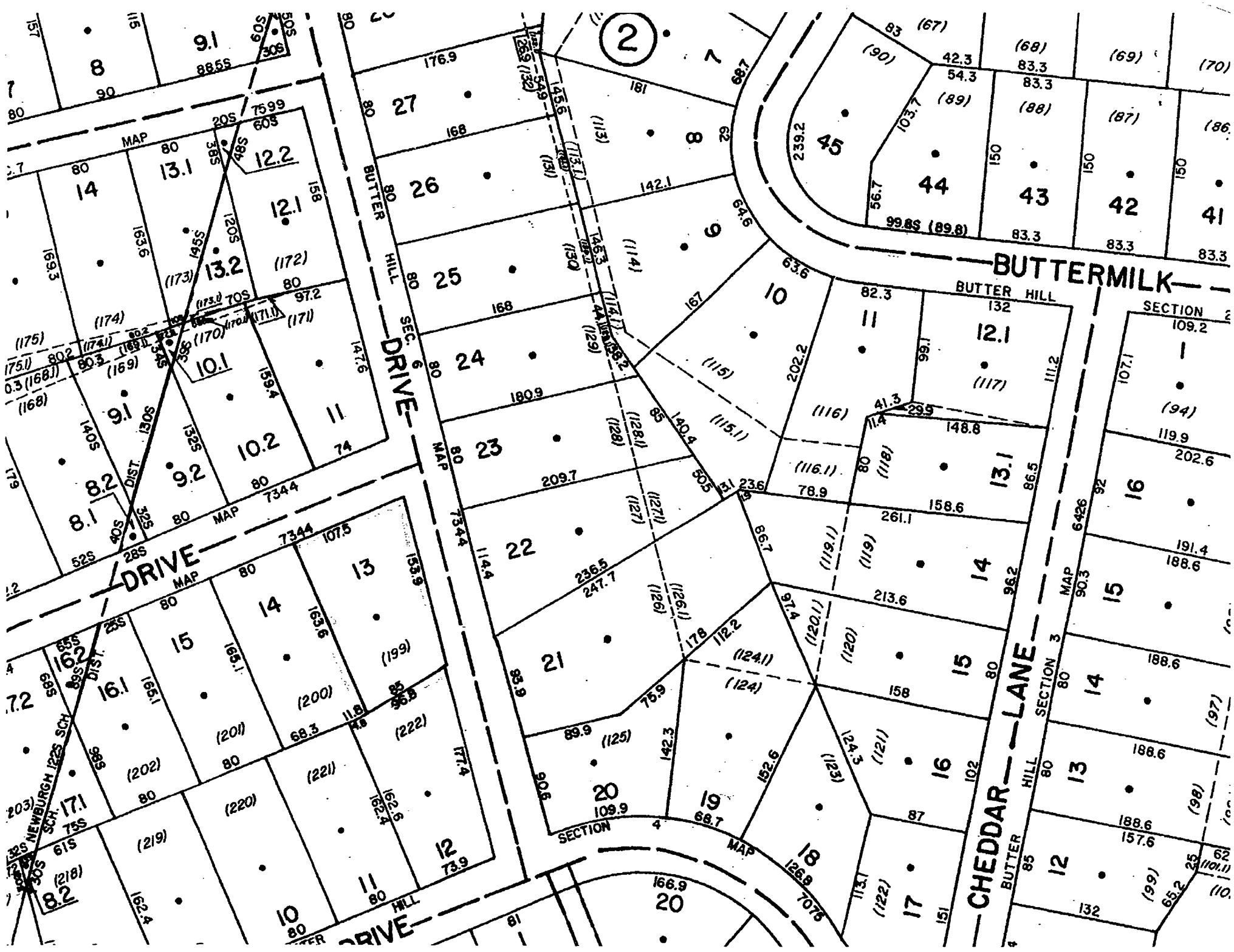
NEW WINDSOR, NY 12553

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS



OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 3/28/03

APPLICANT: William J. Farrell
301 Butternut Drive
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 3/21/03

FOR : Above ground pool


LOCATED AT: 301 Butternut Drive

ZONE: CL Sec/Blk/ Lot: **78-6-13**

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-21G Private Swimming Pools

1. Pool is located in required front yard.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: CL USE: Above ground pool

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD: 40ft

35ft

5ft

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

APPROVED

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

MAR 21 2003

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified floor plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2003-229

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises WILLIAM J. & LINDA M. FARRELL

Address 301 BUTTERNUT DRIVE Phone # 845-565-2008
NEW WINDSOR, NY 12553

Mailing Address _____ Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor ORANGE COUNTY POOLS & SPA

Address 225 WINDSOR HIGHWAY Phone 845-525-5777
NEW WINDSOR, NY 12553
State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the W. 1ST side of BITTERROOT DRIVE
(N, S, E or W)
and GUELNEY DRIVE feet from the intersection of BITTERROOT DRIVE
(SEE ATTACHED) GUELNEY DRIVE
2. Zone or use district in which premises are situated C-2 48-14-C-2 is property a flood zone? Y N ✓
3. Tax Map Description: Section 78 Block 6 Lot 13
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 - a. Existing use and occupancy RUSTIC POOL
 - b. Intended use and occupancy _____
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other
6. Is this a corner lot? YES
7. Dimensions of entire new construction. Front 24' X 15' Depth (POOL) Height ABOVE GROUND No. of stories —
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor: _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost \$ 2,500

Fee —

ZONING BOARD

3.21.03

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4895 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Owner's Signature)

(Address of Applicant)

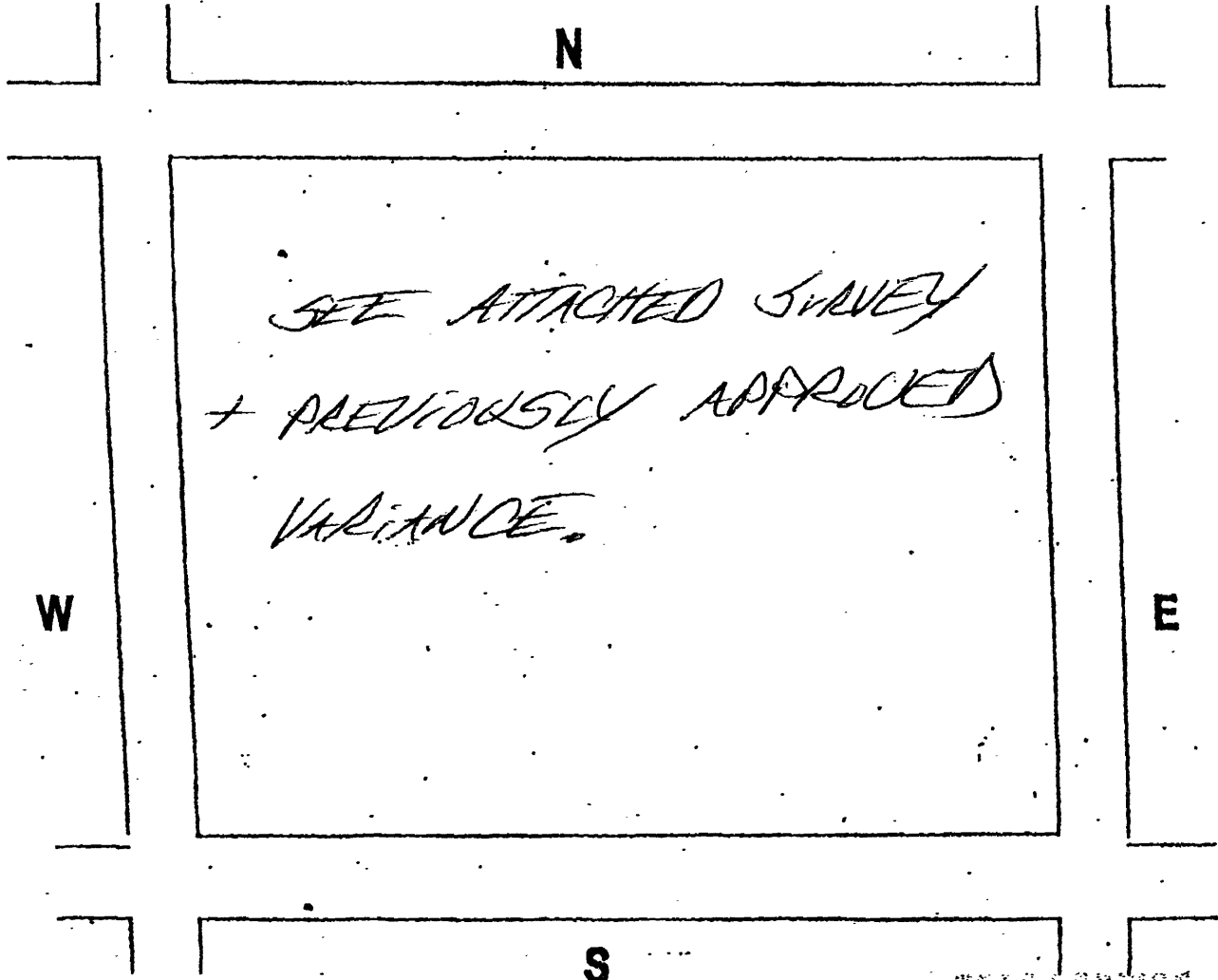
301 BUTTERNUT DRIVE
NEW WINDSOR, NY 12553

PLOT PLAN

5/11/12

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



01/13/2013

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: Oct 24, 2002

APPLICANT: William Farrell
301 Butternut Drive
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: October 23, 2002

FOR : Existing 6' Fence

LOCATED AT: 301 Butternut Drive

ZONE: CL Sec/Blk/ Lot: 78-6-13

DESCRIPTION OF EXISTING SITE: 78-6-13

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing 6' fence projects between the house and road. This is a corner lot.


BUILDING INSPECTOR

PERMITTED - *NOT*

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C L USE: 48-14 - C - 1 - C - (1)

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

APPROVED

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

OCT 13 2002

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2002-1149

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises WILLIAM J. FARRELL

Address 301 BUTTERNUT DRIVE Phone # 845-525-2008
NEW WINDSOR, NY 12553

Mailing Address _____ Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the _____ side of BUTTERNUT
(N, S, E or W)
and 25 feet from the intersection of GUENEVILLE AND BUTTERNUT
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N ✓
3. Tax Map Description: Section 78 Block 6 Lot 13
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy FENCE-IN YARD b. Intended use and occupancy _____
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other Existing FENCE
6. Is this a corner lot? YES
25' X 35' OUTSIDE 6' FENCE
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost \$250? Fee 0

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock

Asst. Inspectors: Frank Liel & Louis Krychew

New Windsor Town Hall

555 Union Avenue

New Windsor, New York 12553

(845) 583-4818

(845) 583-4885 FAX

Bldg Insp Examined _____

Fire Insp Examined _____

Approved _____

Disapproved _____

Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

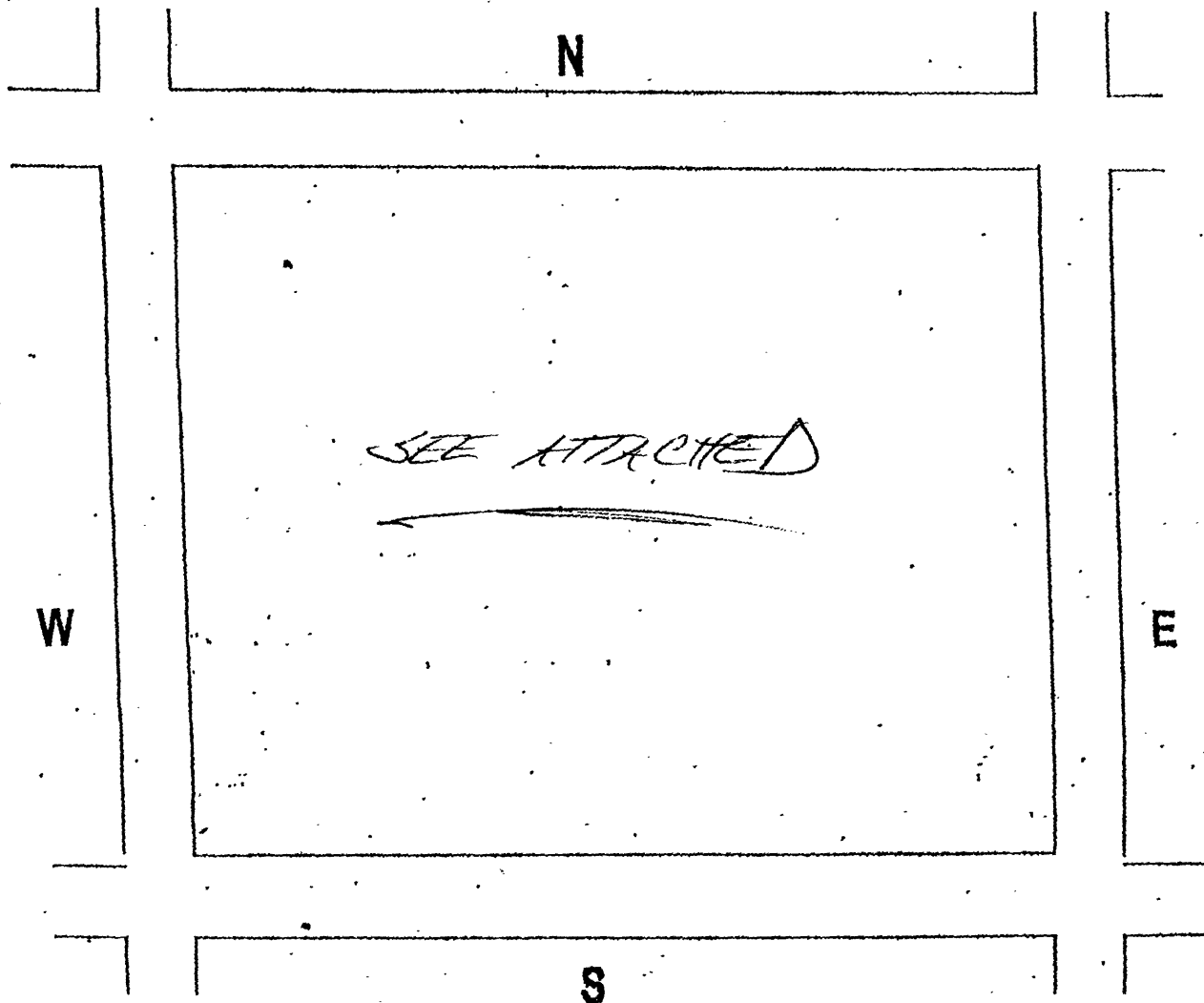
(Address of Applicant)

(Owner's Signature)

301 ANTERPORT DRIVE
NEW WINDSOR, NY 12553
10m

LOT 1111

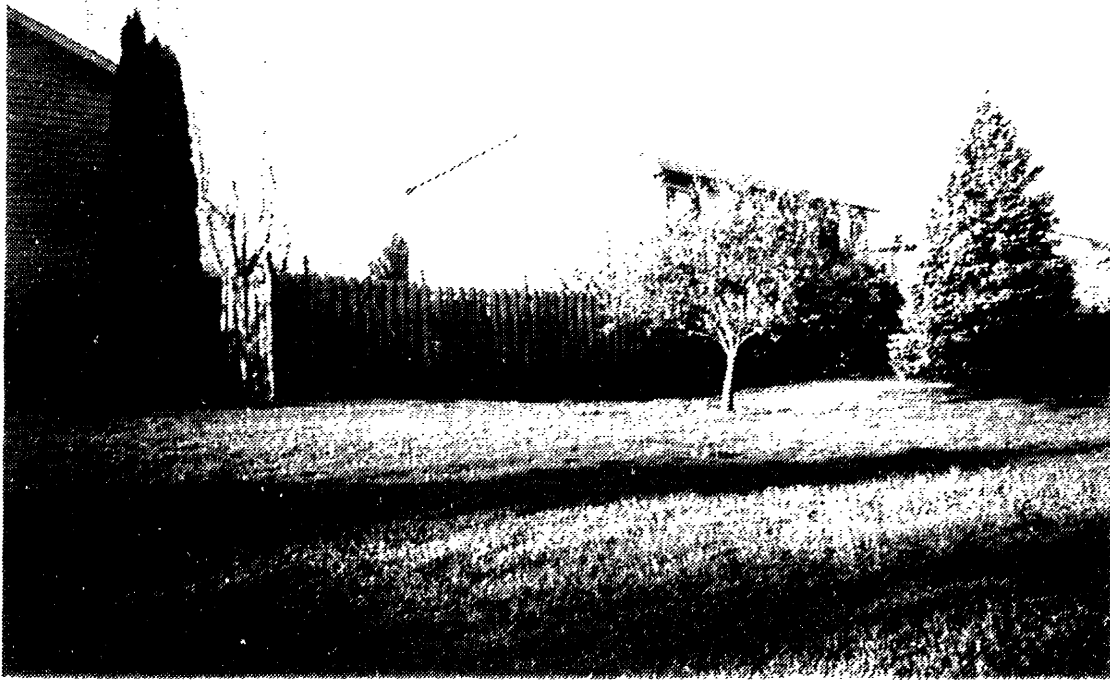
NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT









Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

September 10, 2003

William & Linda Farrell
301 Butternut Drive
New Windsor, NY 12553

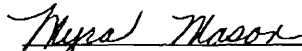
SUBJECT: REQUEST FOR VARIANCE #03-20

Dear Mr. Farrell:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,


Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

WILLIAM & LINDA FARRELL (#03-20)

MR. TORLEY: Request for 2 ft. side yard, proposed pool deck, 5 ft. front yard for above-ground pool located in required front yard, corner lot, existing 6' fence projects between the house and road, corner lot.

Mr. and Mrs. Farrell appeared before the board for this proposal.

MR. FARRELL: We have replaced an existing pool that there was a previous variance on from 1988, the 6 foot fence which surrounds it exists, it's a corner lot, the pool sits directly behind the house whereas at the time the only approved location would have been on what would have been considered the back yard or side yard which would have been both unsafe, very unattractive to the neighborhood. So the pool sits directly behind the house, it's fenced in and we want to attach the deck to the pool.

MR. KANE: Mike, to clarify the two foot side yard they'd be here anyway because in Butterhill it's--

MR. BABCOCK: That's correct.

MR. KANE: And the five foot¹ front yard is because they're on a corner lot and we have two front yards?

MR. BABCOCK: That's correct.

MR. KANE: Six foot fence is because of the two front yards?

MR. BABCOCK: That's correct.

MR. TORLEY: And the fence you feel is important for the safety of the pool?

MR. FARRELL: Absolutely, lot of young kids in the development.

MR. KANE: You will not be creating water hazards or runoffs with the building of the deck and cutting down of trees?

MR. FARRELL: No.

MR. KANE: Not infringing on any easements?

MR. FARRELL: No.

MR. KANE: You have a utility easement on the other side of your property?

MR. FARRELL: Right on the other side, really the side but back side of the property.

MR. KANE: You feel the deck is similar in size and nature to other decks that are in the development of Butterhill?

MR. FARRELL: Yes.

MR. REIS: You're tying in your proposed deck to the existing deck?

MR. FARRELL: That's correct.

MR. TORLEY: And you feel that there's no way to place the pool in some other part of your property where it would not be between your house and Butternut Drive, it would be, there's no other suitable locations?

MR. FARRELL: No, it would be very unsightly and honestly very unsafe it would be sitting out in the middle of the road there.

MR. KANE: As far as the 6 foot fence, you will not be blocking any, creating any hazards for traffic or blocking any view of the streets with the fence?

MR. FARRELL: No, it's considerably off the road.

MR. KRIEGER: And the corner you're on is two active streets, right?

MR. KANE: Oh, yes.

MR. FARRELL: Yes, yeah, the house actually faces

Guernsey Drive even though it has a Butternut address, split level house is turned.

MR. REIS: This is going to be consistent with other homes in the area?

MR. FARRELL: Yes.

MR. TORLEY: At this time, I will open it up to the public. Is there anyone in the audience who wishes to speak on this matter? Anyone wishing to speak? So note there are none, close the public and ask for a reading of the notices.

MS. MASON: On the fourth day of June, I mailed out 68 addressed envelopes containing the notice of public hearing and I've had no responses.

MR. TORLEY: Back to the members of the board, do you have any other further questions?

MR. MC DONALD: Are we going to take these separately?

MR. TORLEY: It's your pleasure.

MR. KANE: Altogether, I would think.

MR. MC DONALD: Accept a motion?

MR. TORLEY: Yes.

MR. MC DONALD: I make a motion that we grant the request for the two foot side yard proposed pool deck, the five foot front yard for the above-ground pool that's located in the required front yard and the existing 6 foot fence projects between the house and the road for Mr. and Mrs. Farrell.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

June 23, 2003

18

MR. RIVERA
MR. TORLEY

AYE
AYE

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: AUGUST 11, 2003
SUBJECT: ESCROW REFUND - 03-20 - FARRELL

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 198.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #03-20

NAME: WILLIAM J. FARRELL

ADDRESS: 301 BUTTERNUT DRIVE

NEW WINDSOR, NY 12553

THANK YOU,

MYRA

L.R. 8/11/03



June 23, 2003

ZBA # 03-20
P.B.#

APPROVED: M)____S)____ VOTE: A____ N____
 RIVERA _____
 McDONALD _____ CARRIED: Y____ N____
 REIS _____
 KANE _____
 TORLEY _____

CARRIED: Y ✓ N

[illegible]

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

WILLIAM J. FARRELL

AFFIDAVIT OF
SERVICE
BY MAIL

#03-20

----- X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 4TH day of JUNE, 2003, I compared the 68 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

4th day of June, 2003

[Signature]
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 03-20

Request of WILLIAM J. FARRELL

for a VARIANCE of the Zoning Local Law to Permit:


Request for 2 foot Side Yard Variance for proposed pool deck in a CL Zone.

being a VARIANCE of Section 48-12 Use/Bulk Tables CL Zone

for property located at: 301 Butternut Drive - New Windsor, NY

known and designated as tax map Section 78 Block 6 Lot 13

PUBLIC HEARING will take place on JUNE 23RD, 2003
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.


Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessor's Office

May 16, 2003

William & Linda Farrell
301 Butternut Drive
New Windsor, NY 12553

Re: 78-6-13 ZBA#03-20

Dear Mr. & Mrs. Farrell:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA

78-1-44
Daniel & Barbara Murphy
7 Buttermilk Drive
New Windsor, NY 12553

78-1-45
Patrick Griffin
PO Box 4006
New Windsor, NY 12553

78-2-7
Wayne & Maria Soltis
12 Buttermilk Drive
New Windsor, NY 12553

78-2-8
Frank & Barbara Macri
14 Buttermilk Drive
New Windsor, NY 12553

78-2-9
James & Ena Flanagan
16 Buttermilk Drive
New Windsor, NY 12553

78-2-10
Daniel & Joyce Dickens
18 Buttermilk Drive
New Windsor, NY 12553

78-2-11
Michael & Dorothy De Palma
20 Buttermilk Drive
New Windsor, NY 12553

78-2-12.1
Frank & Linda Corio
22 Buttermilk Drive
New Windsor, NY 12553

78-2-13.1
Robert & Sandra Di Marino
3 Cheddar Lane
New Windsor, NY 12553

78-2-14
James & Lisa Jurgens
5 Cheddar Lane
New Windsor, NY 12553

78-2-15
Ramon & Patricia Kinol
7 Cheddar Lane
New Windsor, NY 12553

78-2-16
Susan Westfall
9 Cheddar Lane
New Windsor, NY 12553

78-2-17
Richard & Josephine Romano
11 Cheddar Lane
New Windsor, NY 12553

78-2-18
Julio & Fatima Ramos
52 Creamery Drive
New Windsor, NY 12553

78-2-19
Charles & Michelle Paternostro
54 Creamery Drive
New Windsor, NY 12553

78-2-20
Daniel & Jill Strauss
56 Creamery Drive
New Windsor, NY 12553

78-2-21
Anthony & Robin Carriere
4 Guernsey Drive
New Windsor, NY 12553

78-2-22
Andrew & Jean Marie Faraone
6 Guernsey Drive
New Windsor, NY 12553

78-2-23
Carlos Castro Jr.
Paula Andino-Castro
8 Guernsey Drive
New Windsor, NY 12553

78-2-24
John & Mary Finn
10 Guernsey Drive
New Windsor, NY 12553

78-2-25
Richard & Kathleen Mills
12 Guernsey Drive
New Windsor, NY 12553

78-2-26
Robert & Margaret Ippolito
14 Guernsey Drive
New Windsor, NY 12553

78-2-27
Annmarie Nicholson
16 Guernsey Drive
New Windsor, NY 12553

78-2-28
Francisco & Griselda Espinal
18 Guernsey Drive
New Windsor, NY 12553

78-2-29.1 & 78-2-29.2
Kenzie & Carline Fabre
20 Guernsey Drive
New Windsor, NY 12553

78-4-18
Jay & Nancy Brown
67 Creamery Drive
New Windsor, NY 12553

78-4-19
Victor & Deborah Maldonado
69 Creamery Drive
New Windsor, NY 12553

78-4-20
Thomas & Laura Casey
71 Creamery Drive
New Windsor, NY 12553

78-6-5
Thomas & Victoria Mac Donald
72 Creamery Drive
New Windsor, NY 12553

78-6-6
Charles Patterson
70 Creamery Drive
New Windsor, NY 12553

78-6-7.1 & 78-6-7.2
Thomas & Lisa Marshall
68 Creamery Drive
New Windsor, NY 12553

78-6-8.1 & 78-6-8.2
Lynden Crosbie
Patricia Fay-Crosbie
66 Creamery Drive
New Windsor, NY 12553

78-6-9
William & Mary McKenna
64 Creamery Drive
New Windsor, NY 12553

78-6-10
John & Rosalee Mele
62 Creamery Drive
New Windsor, NY 12553

78-6-11
James Jr. & Patricia Ann Murphy
60 Creamery Drive
New Windsor, NY 12553

78-6-12
Nicole Paul Michel
117 Varick Homes
Newburgh, NY 12550

78-6-14
Dominick & Janice Bumbaco
303 Butternut Drive
New Windsor, NY 12553

78-6-15
Lorraine Uhlmann
305 Butternut Drive
New Windsor, NY 12553

78-6-16.1 & 78-6-16.2
Michael & Virginia Travell
307 Butternut Drive
New Windsor, NY 12553

78-6-17.1 & 78-6-17.2
Christopher & Christine Trieste
309 Butternut Drive
New Windsor, NY 12553

78-6-18
Prakash Shukla
311 Butternut Drive
New Windsor, NY 12553

78-6-19
Ana Bashauldo
313 Butternut Drive
New Windsor, NY 12553

78-6-20
Donna Mulder
315 Butternut Drive
New Windsor, NY 12553

78-7-1
James & Diane Golon
73 Creamery Drive
New Windsor, NY 12553

78-7-2
Gerald & Karen Jeter
75 Creamery Drive
New Windsor, NY 12553

78-7-3
Carlton III & Denise Cimmerer
77 Creamery Drive
New Windsor, NY 12553

78-7-4
Drew & Kimberly Quimby
79 Creamery Drive
New Windsor, NY 12553

78-7-5
Belford Vargas Jr.
81 Creamery Drive
New Windsor, NY 12553

78-7-6
Lance & Anne Salisbury
4 Custard Court
New Windsor, NY 12553

78-7-7
Edward & Margaret Kuhn
6 Custard Court
New Windsor, NY 12553

78-7-13.1 & 78-7-13.2
Ernesto Jr. & Rosalina Cruz
1 Custard Court
New Windsor, NY 12553

78-9-4
James & Dolores Davitt
316 Butternut Drive
New Windsor, NY 12553

78-9-5
Joseph & Maria Molina
314 Butternut Drive
New Windsor, NY 12553

78-9-6
Robert Dubee
312 Butternut Drive
New Windsor, NY 12553

78-9-7
Martin & Jean Cossavella
310 Butternut Drive
New Windsor, NY 12553

78-9-8.1 & 78-9-8.2
Marissa D'Angelo
Gregg Zwickel
308 Butternut Drive
New Windsor, NY 12553

78-9-9.1 & 78-9-9.2
John & Dana Miller
306 Butternut Drive
New Windsor, NY 12553

78-9-10.1 & 78-9-10.2
John & Diana Moynihan
304 Butternut Drive
New Windsor, NY 12553

78-9-11
Judith Farrell-Verdeur
302 Butternut Drive
New Windsor, NY 12553

78-9-12.1 & 78-9-12.2
Andrew & Ildyko Rodriguez
201 Dairy Lane
New Windsor, NY 12553

78-9-13.1* & 78-9-13.2

Johnny Canals
Evelynn Velez
203 Dairy Lane
New Windsor, NY 12553

78-9-14

Mansour & Victoria Samadi
205 Dairy Lane
New Windsor, NY 12553

78-9-15

Dorothy Hatton
Ann Fitzgibbons
207 Dairy Lane
New Windsor, NY 12553

78-9-16

Mark & Ann Campbell
209 Dairy Lane
New Windsor, NY 12553

78-11-6

Victor & Milagros Lopez
208 Dairy Lane
New Windsor, NY 12553

78-11-7

Edward Kipp
206 Dairy Lane
New Windsor, NY 12553

78-11-8

Matthew & Julia Friezo
204 Dairy Lane
New Windsor, NY 12553

78-11-9.1 & 78-11-9.2

Armando & Jean Paliotta
9 Guernsey Drive
New Windsor, NY 12553

TOWN OF NEW WINDSOR

REQUEST FOR NOTIFICATION LIST

DATE: MAY 13, 2003 PROJECT NUMBER: ZBA# 03-20 P.B. # _____

APPLICANT NAME: WILLIAM J. FARRELL

PERSON TO NOTIFY TO PICK UP LIST:

WILLIAM OR LINDA FARRELL
301 BUTTERNUT DRIVE
NEW WINDSOR, NY 12553

TELEPHONE: 565-2008

TAX MAP NUMBER:	SEC. <u>78</u>	BLOCK <u>6</u>	LOT <u>13</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	BLOCK _____	LOT _____

PROPERTY LOCATION: 301 BUTTERNUT DRIVE
NEW WINDSOR, N Y

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
 (ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
 OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 834

TOTAL CHARGES: _____



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

May 13, 2003

William & Linda Farrell
301 Butternut Drive
New Windsor, NY 12553

SUBJECT: PUBLIC HEARING LIST FOR ZBA FILE #03-20

Dear Mr. & Mrs. Farrell:

On May 13th, 2003 your \$25.00 deposit check for Public Hearing List, which was submitted to me with your application, has been sent to the Assessor's Office along with a request that they prepare a list of properties located within 500 feet of your property.

The Assessor's Office will notify you when the list is complete. At that time you will be asked to come in and pick up the list and pay a balance due. When this is complete, please come to my office and we will schedule a date for your public hearing.

If you have any questions, please feel free to contact me at the above number.

Myra Mason,
Secretary to the Zoning Board of Appeals



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

June 4, 2003

Mr. William Farrell
301 Butternut Drive
New Windsor, Ny 12553

SUBJECT: REQUEST FOR VARIANCE #03-20 - PUBLIC HEARING

Dear Mr. Farrell:

This is just a reminder that your Public Hearing before the Zoning Board of Appeals for your requested variance at:

301 Butternut Drive
New Windsor, NY 12553

is scheduled for the June 23rd, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

Sent 6/5/03



RESULTS OF Z.B.A. MEETING OF: May 12, 2003

PROJECT: William J. Farrell ZBA # 03-20
P.B.#



USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N
RIVERA
~~MCDONALD~~ CARRIED: Y N
REIS
KANE
TORLEY

NEGATIVE DEC: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
KANE
TORLEY

PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
KANE
TORLEY

APPROVED: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
KANE
TORLEY

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) K S) R VOTE: A 4 N 0
RIVERA A
~~MCDONALD~~
REIS A
KANE A
TORLEY A
CARRIED: Y ✓ N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) S) VOTE: A N

RIVERA
~~MCDONALD~~ CARRIED: Y N
REIS
~~KANE~~ KANE
TORLEY

Needs Variance due to "Coxxer Lot"
No traffic blocked
No water hazard - No Trees - Similar in size

PRELIMINARY MEETINGS:

WILLIAM & LINDA FARRELL (03-20)

MR. TORLEY: Request for 2 ft. required side yard, proposed pool deck, 5 ft. required front yard for above-ground pool located in required front yard, corner lot, existing 6 ft. projects between the house and road, corner lot.

Mr. and Mrs. Farrell appeared before the board for this proposal.

MR. TORLEY: So tell us what you want to do.

MR. FARRELL: It's a corner lot, the house actually faces Guernsey Drive though we have a Butternut address. The pool, in order to put the pool for safety reasons and to be more attractive, it needs to be in the side yard with the fence going around it, otherwise, the pool, you put to pool in any other location on the lot, it would be an eyesore in the neighborhood and would jut out on the side of the house which would actually be the front which makes absolutely no sense the way the lots were laid out. So the variance is for both the pool, the fence to surround it and the deck attached to the pool.

MR. KANE: So for the pool if it wasn't on a corner lot he wouldn't be here?

MR. BABCOCK: That's correct.

MR. TORLEY: Would he have enough rear yard clearance?

MR. BABCOCK: Yeah, he's ten feet exactly off the rear yard with the pool.

MR. KANE: Isn't Butterhill 12 feet, speaking from somebody that lives in Butterhill and the rest of New Windsor is 10?

MR. BABCOCK: That's what we're saying, that's what he's asking for.

MR. KANE: He needs 2 and it's 10?

MR. BABCOCK: That's correct.

MR. TORLEY: That would also cover the deck, looks like on the angle, it's kind of close.

MR. BABCOCK: Yes, that's for the pool, deck will, the pool he's looking for a five foot variance because it's attached to the house.

MR. TORLEY: Obviously, the fence is for safety reasons.

MR. KANE: Does it block any traffic view?

MR. FARRELL: Not at all.

MR. KANE: Creation of the deck with the pool are you going to be creating any water hazards or runoffs with the building of these?

MR. FARRELL: No, natural slope.

MR. KANE: Cutting down any trees?

MR. FARRELL: No.

MR. KANE: Deck and pool are similar in size to other decks and pools in the neighborhood?

MR. FARRELL: Yes.

MR. TORLEY: Gentlemen, do you have any other questions at this time?

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. KANE: Move that we set up William and Linda Farrell for a public hearing on their requested variances on 302 Butternut Drive.

MS. MASON: Should be 301.

May 12, 2003

4

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

May 5, 2003

William & Linda Farrell
301 Butternut Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-21

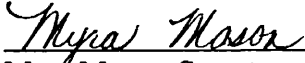
Dear Mr. Farrell:

This letter is to inform you that you have been placed on the May 12th, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

William & Linda Farrell
301 Butternut Drive
New Windsor, NY 12553

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,


Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 05-05-03

FOR: 03-20 ESCROW

FROM: LINDA FARRELL


301 BUTTERNUT DRIVE

NEW WINDSOR, NY 12553

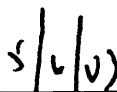
CHECK NUMBER: 835

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#424-2003**

05/06/2003

**Farrell, Linda
301 Butternut Dr.
New Windsor, NY 12553**

**Received \$ 50.00 for Zoning Board Fees, on 05/06/2003. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

03-20 Application See

ZBA #03-20 - ASSESSOR'S LIST

LINDA M. FARRELL 565-2008
301 BUTTERNUT DR.
NEW WINDSOR, NY 12553

50-235737
219
67012455

834

DATE April 29, 2003

PAY TO THE ORDER OF The Town of New Windsor \$ 25.00
Twenty Five and 00/100 DOLLARS

THE BANK OF NEW YORK
100 Corporate Park Drive
White Plains, NY 10604

MEMO PUBLIC HEARING COST Linda Farrell

⑆021902352⑆ ⑈6701245510⑈ 0834

ZBA #03-20 Application Fee

LINDA M. FARRELL 565-2008
301 BUTTERNUT DR.
NEW WINDSOR, NY 12553

50-235737
219
6701245510

836

DATE April 29, 2003

PAY TO THE ORDER OF The Town of New Windsor \$ 50.00
Fifty and 00/100 DOLLARS

THE BANK OF NEW YORK
100 Corporate Park Drive
White Plains, NY 10604

MEMO APPLICATION FEE Linda Farrell

⑆021902352⑆ ⑈6701245510⑈ 0836

ZBA #03-20 ESCROW

LINDA M. FARRELL 565-2008
301 BUTTERNUT DR.
NEW WINDSOR, NY 12553

50-235737
219
6701245510

835

DATE April 29, 2003

PAY TO THE ORDER OF The Town of New Windsor \$ 300.00
Three Hundred and 00/100 DOLLARS

THE BANK OF NEW YORK
100 Corporate Park Drive
White Plains, NY 10604

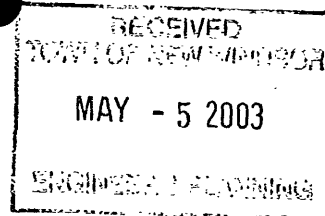
MEMO ESCROW Linda Farrell

⑆021902352⑆ ⑈6701245510⑈ 0835



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE



4/24/03
Date

Application Type: Use Variance ☒ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (845) 525-2008

WILLIAM & LINDA FARRELL
(Name)

Fax Number: ()

301 BUTTERNUT DRIVE NEW WINDSOR, NY 12553
(Address)

II. Purchaser or Lessee:

Phone Number: ()

(Name)

Fax Number: ()

(Address)

III. Attorney:

Phone Number: ()

(Name)

Fax Number: ()

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()

(Name)

Fax Number: ()

(Address)

V. Property Information:

Zone: CL Property Address in Question: 301 BUTTERNUT DRIVE

Lot Size: 0.35 AC Tax Map Number: Section 78 Block 6 Lot 13

a. What other zones lie within 500 feet? NONE

b. Is pending sale or lease subject to ZBA approval of this Application? NO

c. When was property purchased by present owner? 1986

d. Has property been subdivided previously? NO If so, When:

e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO

f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:*****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

03-20

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

48-216 POOL IN FRONT YARD (ABOVE GROUND)
Section 48-12 Table of BULK TABLE Regs., Col. C1 ZONE

48-14 (SEE ATTACHED) (EXISTING FENCE)
Requirements Proposed or Available Variance Request

Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.	<u>40'</u>	<u>35'</u>	<u>5' Pool</u>
Reqd. Side Yd.	<u>12'</u>	<u>10'</u>	<u>2' (DECK TO POOL)</u>
Reqd. Rear Yd.	<u>10'</u>	<u>5'5"</u>	<u>4'2" (POOL FRONT HOUSE)</u>
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

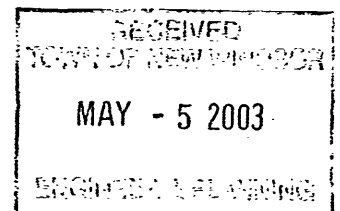
*Residential Districts Only

**Non-Residential Districts Only

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**TOWN OF NEW WINDSOR
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APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

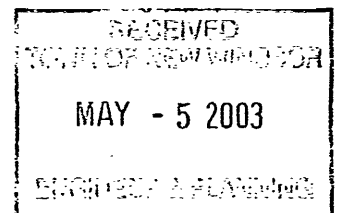
HOUSE IS A CORNER LOT.
TO PLACE THE POOL IN THE "BACKYARD" IT
WOULD FACE THE STREET AND FRONT OF THE
HOUSE AND BE UNSAFE AND UNATTRACTIVE.
PREVIOUSLY (1988) AREA VARIANCE WAS APPROVED
FOR POOL WHICH WAS FENCED IN TO BE SAFE
AND ATTRACTIVE. DECK TO POOL TO MEET
ALL TOWN REQUIREMENTS WITH SELF-CLOSING
(LATCHING/LOCKING) GATE AND ELECTRIC-EYE
FOR SLIDING DOOR.

→ SEE ATTACHED APPROVED VARIANCE FOR POOL.

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XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

POOL TO BE FENCED IN.

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☒ Photographs of existing premises from several angles.

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

7th day of May 2003.

Mary Ann Hotaling
Signature and Stamp of Notary

William J. Farrell
Owner's Signature (Notarized)

William J. Farrell
Owner's Name (Please Print)

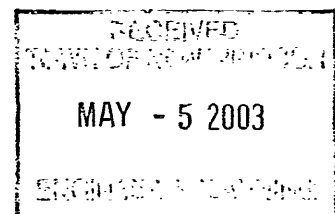
Linda M. Farrell
Linda M. FARRELL

706-254-338
Applicant's Signature (If not Owner)
MARY ANN HOTALING
Notary Public, State of New York
No. 01HO5062877
Qualified in Orange County
Commission Expires July 8, 2006

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03-20





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TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

May 24, 1988

Mr. and Mrs. William Farrell
301 Butternut Drive
New Windsor, N. Y. 12550

RE: APPLICATION FOR AREA VARIANCE - POOL IN SIDEYARD
#88-23

Dear Mr. and Mrs. Farrell:

This is to confirm that the Zoning Board of Appeals at its May 23, 1988 meeting voted to grant the above application for an area variance to allow pool in sideyard of property.

Formal decision will be drafted some time in the future and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours,

A handwritten signature in cursive script that reads 'Patricia A. Barnhart'.

PATRICIA A. BARNHART
Secretary

/pab

Enclosure

cc: Town Planning Board
Michael Babcock, B. I.

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